THE HONOURABLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.9928 OF 2006

Date: 23.05.2006

Between:

N. Madhava Rao, S/o late Apparao, Hindu,
Aged about 52 years, Advocate, resident of
Door No. –1-6, New Resapuvanipalem,
Visakhapatnam.

…. Petitioner

And:

The Mandal Revenue Officer,
Visakhapatnam (Rural), Visakhapatnam District.

…. Respondent

ORDER:

The petitioner claims to have purchased an extent of 59 cents of land in Survey No.37/1 and 73 cents of land in Survey No.38/2 of Bakkannapalem village, Madhuravada Mandal, Visakhapatnam District through registered sale deeds dated 09.11.2001 and 15.11.2001 respectively. It is stated that the respondent issued a notice dated 03.02.2006 in exercise of his powers under Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"). The petitioner claims that he submitted his explanation on 27.04.2006. His grievance is that the respondent is trying to dispossess him from the land in question without passing any orders in pursuance of the said show cause notice.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

From a perusal of the record of the writ petition, it is evident that the respondent has already initiated proceedings under the Act against the petitioner. Once a show cause notice was issued and an explanation is received, the respondent is under obligation to pass appropriate orders and the question of evicting the petitioner would arise, if only final orders are passed directing resumption of the land. Till such time, the possession of the petitioner cannot be disturbed.

Therefore, the writ petition is disposed of directing the respondent not to dispossess the petitioner from the land in question till he passes orders in pursuance of the show cause notice dated 03.02.2006 issued under Section 3 of the Act.

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JUSTICE L. NARASIMHA REDDY

Date: 23.05.2006

KSN/PV